

Whatcom County Council Committee of the Whole

**COUNTY COURTHOUSE
311 Grand Avenue, Ste #105
Bellingham, WA 98225-4038
(360) 778-5010**



Committee Minutes - Final

Tuesday, February 7, 2023

2:25 PM

Hybrid Meeting

**HYBRID MEETING - ADJOURNS BY 4:30 P.M.; MAY BEGIN EARLY
(PARTICIPATE IN-PERSON AT 311 GRAND AVENUE SUITE 101, SEE REMOTE
JOIN INSTRUCTIONS AT www.whatcomcounty.us/joinvirtualcouncil, OR CALL
360.778.5010) AGENDA REVISED 2.6.2023**

COUNCILMEMBERS

Barry Buchanan

Tyler Byrd

Todd Donovan

Ben Elenbaas

Carol Frazey

Kaylee Galloway

Kathy Kershner

CLERK OF THE COUNCIL

Dana Brown-Davis, C.M.C.

Call To Order

Committee Chair Barry Buchanan called the meeting to order at 2:25 p.m. in a hybrid meeting.

Roll Call

Present: 7 - Barry Buchanan, Tyler Byrd, Todd Donovan, Ben Elenbaas, Carol Frazey, Kaylee Galloway, and Kathy Kershner

Absent: None

Announcements

Committee Discussion

1. [AB2023-079](#) Continuing discussion of potential code amendments to WCC Title 20 (zoning) to regulate vacation rentals

Cliff Strong, Planning and Development Services Department, read from a memo (on file).

Donovan stated he would go with (option one for) Exhibit A as presented in the memo. The issue has gone from nuisance concerns to serious impacts on housing costs. If they required a Conditional Use Permit (CPU), the cost of that would discourage more of these long-term rentals being converted into short-term rentals and affecting the rental markets in these areas.

Kershner spoke in favor of option two. She stated if they are forced to adopt something because of the Shoreline Management Plan, she would like to adopt the minimum required. She is not in favor of registries that charge people to be a part of them, or duplicating what has already been done at the State. She does not want to put more programs in place that County staff has to manage and does not want to spend money on a consultant to study the impacts of short-term rentals on our housing market.

Galloway stated she supports a short-term registration process because there is value in collecting data on who is operating a business in our community, it allows the County to communicate with them, and it provides a system for a complaint process. Requiring people to prove that they are a business is really important. She likes the idea, if they are going to charge a registration fee, of exempting the first short-term rental or having some sort of sliding scale. She has mixed feelings about requiring a CPU but leans toward making it harder to do short-term rentals in the Lake Whatcom Watershed.

Donovan responded to Galloway and Kershner's comments.

Byrd stated he is in favor of option two. He is not opposed to adding the extra rules defined in the memo but his opposition is more about adding all the enforcement and registration layers. He asked whether there are any other business types for which we have a County registration database and registration fees, and how we could possibly think that 800 short term rentals would have any impact on housing prices.

Donovan moved that they recommend that the Planning and Development Services Department (PDS) pursue Option 1 regarding Exhibit A. They could then discuss what direction they would need for the fee schedule on page 13 of the memo. The motion was seconded by Frazey.

Strong answered what kind of direction he would need and stated if they put together an Ordinance, he would have it take effect six months or a year out so that they could work through those issues and work with the vendor to get them on board.

Donovan clarified his motion.

The motion carried by the following vote:

Aye: 4 - Buchanan, Donovan, Frazey, and Galloway

Nay: 3 - Byrd, Elenbaas, and Kershner

Councilmembers concurred they would like to see Exhibit A again and do one more committee work session with the amendments.

This agenda item was DISCUSSED AND MOTION(S) APPROVED.

2. [AB2023-116](#) Discussion with Whatcom County Prosecutor Eric Richey regarding District Court

Buchanan stated this item has been postponed. Judge Olsen has continued the hearing regarding District Court until February 13th and the Prosecutor prefers to be able to answer questions after this process is complete, so he has asked to have this item rescheduled once that court process is through.

Kershner stated Cascadia Daily is doing a fine job of reporting what is going on and she appreciates being able to read the newspaper to find out what our Prosecuting Attorney is doing.

Clerk's note: The item concerning the Justice Project (**AB2023-106**) was scheduled for 3:30 and the time at this point in the meeting was just shy of 3 p.m. so Buchanan skipped ahead to OTHER BUSINESS.

This agenda item was WITHDRAWN.

Other Business

Elenbaas spoke about the Health Department's recent announcement that it is changing its name to Health and Community Services and stated he would like a legal opinion on whether they can do that since the Council sets departments. He spoke about his concerns.

Karen Frakes, Prosecuting Attorney's Office, stated she will look at that and get back to them.

Clerk's note: The Committee took a break until 3:30 p.m. because the next agenda item was scheduled for that time on the agenda.

Special Presentation (3:30 p.m. start time)

1. [AB2023-106](#) Presentation of the Justice Project Needs Assessment Report (Public Health, Safety, and Justice Facility Needs Assessment)

The following people presented:

- Barry Buchanan, Councilmember and Stakeholder Advisory Committee Chair
- Stephen Gockley, Stakeholder Advisory Committee and Incarceration Prevention and Reduction Task Force Co-Chair
- Jack Hovenier, Stakeholder Advisory Committee and Incarceration Prevention and Reduction Task Force Co-Chair
- Tyler Schroeder, Director of Administrative Services

They answered questions about whether the additional capital facilities and programs for behavioral health will be included in the financial ask that goes on the ballot, whether there is consensus of what the 14 percent of the Stakeholder Advisory Committee (SAC) that were not in favor of the Needs Assessment report needed to get to a yes on it, what the three locations are that were considered by the SAC, the timeline for when they would need to see the proposals for funding sources and have a public hearing, and whether there will be ample opportunity for public hearing input.

This agenda item was PRESENTED.

Items Added by Revision

There were no agenda items added by revision.

Adjournment

The meeting adjourned at 4:19 p.m.

The County Council approved these minutes on February 21, 2023.

ATTEST:

WHATCOM COUNTY COUNCIL
WHATCOM COUNTY, WA

Dana Brown-Davis, Council Clerk

Barry Buchanan, Council Chair

Kristi Felbinger, Minutes Transcription

SIGNED COPY ON FILE